

**FILED**  
**JUN - 8 2010**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF OREGON**  
**PORTLAND DIVISION**

**CHRISTOPHER MICHAEL GONZALES-  
AGUILERA,**

Civil Case No. 09-1174-SU

Petitioner,

**O R D E R**

v.

**BRIAN BELLEQUE,**

Respondent.

---

Christopher Michael Gonzalez-Aguilera  
#7241626  
Oregon State Penitentiary  
2605 State Street  
Salem, Oregon 97310-1346

Pro Se Petitioner

Jonathan W. Diehl  
Lynn David Larsen  
State of Oregon Department of Justice  
Criminal & Collateral Remedies  
1162 Court Street, NE  
Salem, OR 97301-4096

Attorneys for Respondent

KING, Judge:

The Honorable Patricia Sullivan, United States Magistrate Judge, filed Findings and Recommendation on May 13, 2010. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983); See also Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Sullivan's Findings and Recommendation (#11) dated May 13, 2010 in its entirety.

IT IS HEREBY ORDERED that Respondent's Motion to Dismiss Without Prejudice (#9) is granted. Because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability is DENIED. See 28 USC § 2553(c)(2).

DATED this 8<sup>th</sup> day of June, 2010.

  
\_\_\_\_\_  
GARR M. KING  
United States District Judge